

### **REMARKS**

Claims 1-5 are currently pending. Claims 1-5 are believed to be in condition for allowance and such favorable action is respectfully requested.

Claims 1-5 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,009,467 to McCoy (hereinafter "McCoy.")

Claim 1 has been amended to recite "a U-shaped member having a central section and a pair of ends, each end having a pivot point extending therethrough, wherein the U-shaped member is adapted to pivot about the pivot points." The McCoy patent neither teaches nor suggests a U-shaped member with a pair of ends, each end having a pivot point extending therethrough, where the U-shaped member is adapted to pivot about the pivot points. The U-shaped bracket of McCoy does not pivot. As stated in the specification, "[t]he bracket members 29, 30 shown in FIGS. 1 and 2 are generally horizontal disposed members." See Col. 4, lines 11 and 12. Further, the bracket members 29, 30 are adjusted vertically, but they do not pivot. Still further, the U-Shaped bracket members 29, 30 of McCoy do not pivot about apertures 38, 39. In contrast, the apertures 38, 39 of McCoy receive fasteners 41 "to releasably lock the posts 26 at user selected positions within the respective channels 27." See Col. 4, lines 46 and 47. Thus, McCoy does not disclose a U-shaped member with a pivot point in each end where the U-shaped member is adapted to pivot about the pivot point as disclosed in claim 1.

As the Examiner is well aware, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Accordingly, McCoy does not include the limitation of a

U-shaped member with a pivot point in each end where the U-shaped member is adapted to pivot about the pivot point and, thus, does not include all of the limitations contained in claim 1.

Therefore, for at least the reasons stated above, claim 1 is believed to be in condition for allowance and it is respectfully requested that the rejection of the claim be withdrawn. As claims 4-5 depend from independent claim 1, these claims are also believed to be in condition for allowance and such favorable action is respectfully requested.

Therefore, claims 1-5 are currently pending and believed to be in condition for allowance, and such favorable action is respectfully requested. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action.

Respectfully submitted,



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Attorney Docket No. LGPL.111051